

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 30, 2000**

PRESENT: John R. Byers, Mount Vernon District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Ilryong Moon, Commissioner At Large
Peter F. Murphy, Jr., Springfield District
Ronald W. Koch, Sully District
John M. Palatiello, Hunter Mill District
Linda Q. Smyth, Providence District

ABSENT: Walter L. Alcorn, Commissioner At-Large
Judith W. Downer, Dranesville District
John B. Kelso, Lee District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Smyth noted that more time was needed to review recent developments and MOVED THAT WE DEFER RZ-1999-PR-023 AND FDP-1999-PR-023, M/I SCHOTTENSTEIN HOMES, TO A DATE YET TO BE DETERMINED.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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Commissioner Koch explained that outstanding transportation issues necessitated further deferral and MOVED THAT THE DECISION ONLY ON RZ-1999-SU-065, LANDMARK PROPERTIES, BE FURTHER DEFERRED TO A DATE CERTAIN OF APRIL 13, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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FS-S99-36 - AT&T, 8400 Durga Place

Commissioner Murphy concurred with staff that this application was in conformance with the Comprehensive Plan and Section 15.2-2232 of the Code of Virginia and the Telecommunications Zoning Ordinance and should be considered a "feature shown." He SO MOVED.

Commissioners Hall and Koch seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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FS-S00-27 – METRICOM, 9501 Old Burke Lake Road

Commissioner Murphy concurred with staff that this was a “feature shown” pursuant to Section 15.2-2232 of the Code of Virginia and in conformance with the Comprehensive Plan and the Telecommunications Zoning Ordinance. He SO MOVED.

Commissioners Hall and Koch seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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FS-S00-4 – METRICOM, 12111 Braddock Road

Commissioner Murphy concurred with staff that this was a “feature shown” pursuant to Section 15.2-2232 of the Code of Virginia and in conformance with the Comprehensive Plan and the Telecommunications Zoning Ordinance. He SO MOVED.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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FS-S99-39 – BELL ATLANTIC, 9730 Hampton Road

Commissioner Murphy concurred with staff that this was a “feature shown” pursuant to Section 15.2-2232 of the Code of Virginia and in conformance with the Comprehensive Plan and the Telecommunications Zoning Ordinance. He SO MOVED.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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FSA-H96-38-1 – AT&T WIRELESS, 2340 Dulles Corner Boulevard

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION CONCUR IN THE DETERMINATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING THAT THE PROPOSED MODIFICATIONS BY AT&T WIRELESS FOR A TELECOMMUNICATIONS FACILITY LOCATED ON THE BUILDING ROOFTOP AT 2340 DULLES CORNER BOULEVARD ARE IN CONFORMANCE WITH THE COMPREHENSIVE

PLAN AND BE DETERMINED TO BE A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA IN THE MATTER OF FS-H96-38-1.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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RZ-1999-SU-054 - CHANTILLY GREEN & CHANTILLY EAST
FDP-1999-SU-054 - CHANTILLY GREEN & CHANTILLY EAST (Decisions Only)

(The public hearing on these applications was held on March 9, 2000. A complete verbatim transcript of the decision made on these items is included in the date file.)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPLICATION RZ-1999-SU-054 AND THE CONCEPTUAL DEVELOPMENT PLAN BE APPROVED, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 29, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDP-1999-SU-054, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 29, 2000 AND THE BOARD'S APPROVAL OF RZ-1999-SU-054.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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RZ-1999-HM-055 - EQUITY HOMES (Decision Only)

(The public hearing on this application was held on January 12, 2000. A complete verbatim transcript of the decision made on this case is included in the date file.)

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-1999-HM-055, SUBJECT TO THE

EXECUTION OF PROFFERS CONSISTENT WITH THOSE DESIGNATED AS
RZ-1999-HM-055A THAT ARE IN APPENDIX 1 OF THE STAFF REPORT.

Commissioner Byers seconded the motion which carried by a vote of 6-0-1 with Commissioner Moon abstaining; Commissioner Koch not present for the vote; Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE MINIMUM DISTRICT SIZE.

Commissioner Byers seconded the motion which carried by a vote of 6-0-1 with Commissioner Moon abstaining; Commissioner Koch not present for the vote; Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD A WAIVER OF THE MINIMUM ONE ACRE OPEN SPACE REQUIREMENT FOR A CLUSTER SUBDIVISION.

Commissioner Smyth seconded the motion which carried by a vote of 3-1-3 with Commissioner Byers opposed; Commissioners Hall, Harsel, and Moon abstaining; Commissioner Koch not present for the vote; Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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CAPITAL IMPROVEMENT PROGRAM (CIP) FY2001 - FY2005 (Markup)

(The public hearing on the CIP was held on March 16, 2000. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS AND TO THE SCHOOL BOARD, AS APPROPRIATE, APPROVAL OF THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM FOR FY2001 THROUGH 2005, WITH THE AMENDMENTS OUTLINED IN MY MEMORANDUM DATED MARCH 30, 2000.

Commissioner Byers seconded the motion carried unanimously with Commissioner Harsel not present for the vote; Commissioners Alcorn, Downer, Kelso, and Wilson absent from the meeting.

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VC-00-P-009 - THOMAS L. & JEFFERY L. MARCEY - Appl. under
Sect. 18-401 of the Zoning Ord. to permit construction of dwellings
w/in 200 ft. of an Interstate Hwy. on property

located at 9019 Dellwood Dr. on approx. 2.86 ac. zoned R-2. Tax Map 48-2((7))(44). PROVIDENCE DISTRICT. ADMINISTRATIVE HEARING.

Mr. Juan Bernal, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. (NOTE: No staff recommendation given)

Mr. Shaman Faradi, agent for the applicant, reaffirmed the affidavit dated January 7, 2000. There were no disclosures by Commission members. He explained the changes made since a previous application (VC-99-P-067) had been denied, specifically noting that the applicant was now requesting only three lots instead of five. He maintained that the applicant's proposal was the best use of the subject property.

Mr. Faradi, Mr. Joseph Ballato, engineer for the applicant, and Mr. Noel Kaplan, environmental planner with the Planning Division, DPZ, responded to questions from Commissioner Smyth regarding the noise study submitted by the applicant. Mr. Faradi confirmed that the applicant had not conducted a new study since the last application. He maintained that there was no need for a new study and that the changes to the application and new conditions agreed to by the applicant were sufficient justification for approval.

Mr. Faradi responded to questions from Commissioner Smyth regarding drainage and tree preservation.

Ms. Angela Rodeheaver, Department of Transportation, responded to questions from Commissioners Smyth and Palatiello regarding the possible future widening of I-66.

In response to a question from Commissioner Harsel, Mr. Faradi said that there was a home on the subject property currently, but that it was vacant at this time.

In response to a question from Commissioner Harsel, Commissioner Smyth stated that the existing home had been built after I-66 was constructed but before the 200-foot setback rule was instituted.

In reply to a further question from Commissioner Harsel, Mr. Faradi confirmed that the applicant's noise study was conducted on the site as it presently existed.

Mr. Faradi asked if anyone could tell him or the applicant what would be acceptable if this application was not. He said he had asked for suggestions from adjacent homeowners who were opposed to the applicant's plans, but had not received a response. He reiterated that the applicant had made significant improvements to the proposal.

Commissioner Smyth pointed out that the staff report noted that one house on the subject site would be a reasonable use. She concurred with that assessment.

Mr. Faradi disagreed, noting that the subject property was 2.86 acres and zoned R-2. He repeated his opinion that this application for three homes was a vast improvement over the previous proposal for five homes.

In response to questions from Commissioner Harsel, Mr. Faradi said that the property owners did not live on the site. He added that perhaps only one house would be a reasonable use if the topography or environmental problems prevented additional development.

In response to a question from Commissioner Hall, Ms. Kristen Abrahamson, ZED, DPZ, said that a legal opinion might be required to determine the reasonableness of one house on 2.86 acres, but that, generally speaking, the subject property being one platted lot, one house was considered a reasonable use.

Mr. Ballato pointed out that the County had previously approved a five lot subdivision on the subject property, prior to the 200-foot setback rule. He stated that, unfortunately, the property owners at that time had allowed that preliminary plan to expire.

Chairman Murphy noted that the Commission had to consider the case as currently presented, under current regulations.

Commissioner Palatiello noted that "a bird in the hand is worth two in the bush" and that the five lot subdivision should have been built when it was approved.

There being no further comments or questions from the Commission and no closing staff remarks, Chairman Murphy closed the administrative hearing and recognized Commissioner Smyth for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF ZONING APPEALS DENIAL OF VC-00-P-009.

Commissioners Byers and Palatiello seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel set the following order for the agenda items:

1. 2232-Y99-18 - DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
2. DPA-C-099 - RESTON ASSOCIATION
3. SE-00-Y-001 - A & R FOODS, INC.

4. SEA-84-A-052 - ST. STEPHEN'S UNITED METHODIST CHURCH
5. SE-99-P-042 - DALE SYKES

This order was accepted without objection.

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2232-Y99-18 - DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES - Appl. to construct a police station & associated facilities at the SW quadrant of the intersection of Westfields & Stonecroft Blvds. in accordance w/the provisions of Sect. 15.2-2232 of the Code of Virginia. The proposal also includes a reduction in parking spaces at the existing commuter parking facility. Tax Map 44-3((1))G, 12. SULLY DISTRICT. PUBLIC HEARING.

Mr. Michael Hines, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Mr. Cary Needham, with the Department of Public Works and Environmental Services (DPW&ES), explained that the proposed 32,000 square foot police station would be built on land dedicated to the County through the rezoning process for Sully Station residential development. He noted that a park-and-ride lot currently occupied the subject property. He stated that alternative locations were investigated, but the subject property was determined to be the best site for the proposed facility. He added that the police station project was approved as part of the 1998 Countywide bond referendum for public safety facilities. He stated that the proposal enjoyed the support of the West Fairfax County Citizens Association. Mr. Needham discussed the surrounding land uses and concluded his presentation by indicating that the application met the location, character and extent criteria outlined in Section 15.2-2232 of the Code of Virginia.

Chairman Murphy called for speakers and recited the rules for testimony.

Mr. Craig Trumbull, 14533 South Hills Court, Centreville, spoke in opposition to the application. He said that the proposal was too intense and would create too much traffic. He also expressed his concern about the environment and displaced wildlife.

In response to questions from Commissioner Koch, Mr. Trumbull said he didn't think there was anything the applicant could do that would change his opinion of the proposal. He said that the 130-acre police academy site not far away was a better location for a new police station.

In response to questions from Commissioner Byers, Mr. Trumbull said he and his neighbors, especially those nearest the proposed facility, were concerned about disruptions

from the 24-hour nature of a police station. He commended Mr. Needham for altering the plans to restrict off-site light spillover.

Commissioners Hall and Byers commented on the police stations/governmental centers located in Mason and Mount Vernon Districts, respectively, noting that noise and light did not seem to be a problem at those locations.

Mr. Trumbull maintained that the subject property was not an appropriate site for this proposal. He added that the current commuter park-and-ride lot was underutilized and that there was no need for additional parking at the new facility to accommodate commuters. He suggested that the area designated for extra parking remain undisturbed in order to save more trees.

There being no further speakers, Chairman Murphy called upon staff for final comments.

Mr. Tom Biesiadny, Department of Transportation (DOT), clarified that DOT counts indicated an average of 12 to 15 commuters per day used the existing park-and-ride lot. He noted that there had been occasional counts as high as 65 and that DOT felt it was important to maintain this alternative to the single occupant automobile. He added that a study was currently being conducted that would most likely result in expanded bus service in this area and that DOT was reluctant to reduce the number of park-and-ride spaces.

In response to questions from Commissioner Hall about the possibility of phasing in the parking lot later, Mr. Biesiadny replied that the 50-space lot being proposed was needed to accommodate current users and that there was another park-and-ride lot at the intersection of Routes 28 and 29 that would be closing next month because of road improvements and it was anticipated that some of those commuters would use the lot at the proposed new facility. He added that DOT would have no objection to installation of a basketball hoop in one area of the parking lot.

There being no further comments or questions from the Commission Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT WE FIND THAT, IN ACCORDNACE WITH SECTION 15.2-2232 OF THE CODE OF VIRGINIA, AS AMENDED, THE PROPOSAL BY THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, TO CONSTRUCT A POLICE STATION AND ASSOCIATED FACILITIES AND TO REDUCE COMMUTER PARKING SPACES LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF WESTFIELDS AND STONECROFT BOULEVARDS, TO BE IN SUBSTANTIAL ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Byers and Hall seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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DPA-C-099 - RESTON ASSOCIATION - Appl. to approve the first amendment to the development plan for RZ-C-099 to permit a community recreation center, child care center, & place of worship w/an overall FAR of 0.07 on property located on the E. side of Pinecrest Rd., approx. 550 ft. S. of its intersection w/S. Lakes Dr. on approx. 2.41 ac. zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 26-1((8))4. HUNTER MILL DISTRICT. PUBLIC HEARING.

Mr. Larry Butler, Director of Parks and Recreation of the Reston Association, reaffirmed the affidavit dated October 18, 1999. There were no disclosures by Commission members.

Ms. Jackie Blue, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Blue responded to questions from Commissioner Palatiello regarding the ingress/egress proposed for the child care center and from Commissioner Byers about the inclusion of a place of worship.

Mr. Butler explained that the swimming pool originally planned for the subject property was no longer needed and that the community had, after numerous public meetings and discussions, decided that this proposal would be the best alternative use. He thanked staff for their support and added that the Reston Association concurred with the proposed development conditions.

Chairman Murphy called the first listed speaker.

The following individuals spoke in support of the application, commenting on the need for the proposed facilities and the great amount of community involvement in the project.

1. Mr. Arthur Hill, 11714 Indian Ridge Road, Reston,
Vice Chairman, Reston Planning and Zoning Committee
2. John Lovaas, 2431 Freetown Drive, Reston
3. Mary Ellen Craig, 1627 Greenbrier Court, Reston,
Vice President, Reston Association
4. Terry Smith, 12358 Lima Lane, Reston,
Chairman, Board of Governors, Reston Community Center

5. Joe Stowers, 11448 Waterview Cluster, Reston
6. Robert Dim, 11184 Beaver Trail Court, Reston,
representing the Reston Youth Club

There being no further speakers, Chairman Murphy called upon Mr. Butler for a rebuttal statement. Mr. Butler declined and Ms. Blue had no closing staff remarks.

In response to a question from Commissioner Palatiello, Mr. Butler agreed to an additional condition regarding posting of the development conditions on site.

There being no further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Palatiello for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE DPA-C-099, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 27, 2000, WITH AN ADDITIONAL CONDITION NO. 16 TO READ AS FOLLOWS: "A COPY OF THESE DEVELOPMENT CONDITIONS SHALL BE POSTED ON THE PREMISES IN A CONSPICUOUS PLACE."

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

Commissioner Palatiello MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT ALONG THE SITE'S WESTERN PROPERTY BOUNDARY BE WAIVED IN FAVOR OF THE LANDSCAPING PROVIDED ON THE DPA, PURSUANT TO PARAGRAPH 3 OF SECTION 13-304 OF THE ORDINANCE.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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(The Commission went into recess at 10:30 p.m. and reconvened in the Board Auditorium at 10:45 p.m.)

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SE-00-Y-001 - A&R FOODS, INC. - Appl. under Sect. 7-607 of the Zoning Ord. to permit a fast food restaurant w/a drive-through window in a Hwy. Corridor Overlay District on property located at 5930, 5912, 5906 Centreville Rd., 4001,

14017 Westview Dr. & 5907 Fort Dr. on approx. 2.95 ac. zoned C-6, WS, HC & SC. Tax Map 54-4((5))2-4, 4A & 5-9. SULLY DISTRICT. PUBLIC HEARING.

Jay du Von, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated March 22, 2000. There were no disclosures by Commission members.

Mr. Greg Russ, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to a question from Commissioner Palatiello, Mr. Russ said he would add a new condition regarding posting of the development conditions on site.

Mr. du Von commented on the applicant's land assemblage efforts resulting in the nine parcels included in this application. He stated that the applicant had worked with the West Fairfax County Citizens Association (WFCCA) and had revised and/or added development conditions in response to their suggestions, including the following:

- additional sidewalks,
- a crosswalk across Old Centreville Road,
- reduced sign height,
- reduced parking lot lighting,
- reduced interior lighting,
- tinted windows to reduce glare,
- a smoke elimination catalyst to control smoke and cooking odors,
- upgraded landscaping and trees along Old Centreville Road; and
- aesthetically-pleasing architecture.

He added that the WFCCA supported the proposed Burger King restaurant and that the applicant had agreed to return to the WFCCA for review of the architecture for the future building on the remaining portion of the site. Mr. du Von explained the road improvements to be provided and stated that, at Supervisor Frey's request, the applicant had agreed to dedicate additional right-of-way on the site's frontage on Old Centreville Road to provide for a turn lane into Old Centreville Road Park across the street. He added that because of this additional dedication, the applicant was requesting a waiver of the full screening and buffering in that area.

In response to questions from Commissioner Koch, Mr. du Von confirmed that the property was zoned C-6 and that the applicant could build by right, which would permit 51,000 square feet of retail, without the proposed road improvements, without any limitations on the hours of operation or any of the other conditions being agreed to by the applicant in this application. He further confirmed that the building envelope for the current proposal was 8,100 square feet, with the actual restaurant encompassing only 7,600 square feet.

Regarding the height issue, Mr. du Von said that by right development under C-6 zoning would allow 40 feet while the majority of the proposed restaurant would be 28 feet high with one portion reaching 35 feet.

Chairman Murphy called the first listed speaker.

Mr. Al Francese, 7597 Rockland Drive, Clifton, representing the Little Rocky Run Homeowners Association (LRRHOA), cited the following to support his opposition to the application:

- the proposal did not represent local serving retail as recommended in the Comprehensive Plan, and
- the proposed restaurant was too large, would attract too much traffic and would have an adverse effect on property values.

Mr. Francese suggested additional development conditions regarding the planting of a double row of Bradford pear trees along Old Centreville Road, further efforts to eliminate odors, reduced height of the future building and reduced size of the proposed restaurant.

In response to a question from Chairman Murphy, Mr. Francese pointed out where Little Rocky Run was located. He acknowledged that the townhouses in the subdivision were 35 feet high.

In response to a question from Chairman Murphy, Mr. Russ confirmed that the applicant's request for a drive-through window was the only reason a special exception was required. He clarified that the proposed restaurant could be built on site exactly as the applicant planned without the conditions proposed by this application if the drive-through window was eliminated.

Mr. John Powell, 13942 Waterflow Place, Centreville, spoke in opposition. He cited increased traffic and the safety of pedestrians as his major concerns.

Mr. Powell responded to questions from Commissioner Koch and Chairman Murphy regarding his comments on traffic. Chairman Murphy explained that Appendix 6, the transportation analysis of the application, had been prepared at the beginning of the process.

In response to a question from Chairman Murphy, Ms. Angela Rodeheaver, Department of Transportation, confirmed that the issues raised in Appendix 6 had been addressed by the proposed development conditions. She specifically noted that Conditions #10, #11, #12 and #16 addressed transportation matters.

Ms. Barbara Emert, 13944 Waterflow Place, Centreville, concurred with Mr. Powell's remarks as well as objecting to the size of the proposed restaurant.

Commissioner Koch explained how traffic counts were done and that the number of vehicle trips per day was not the same as the number of vehicles per day. Ms. Emert stated that she still opposed the application.

In response to questions from Commissioner Hall, Ms. Rodeheaver confirmed that the number of vehicle trips per day indicated in the transportation analysis included existing traffic in the area and therefore did not reflect increased traffic only. Ms. Emert remained adamant in her opposition.

Ms. Marion Esmond, 13937 Waterflow Place, Centreville, agreed with Ms. Emert that the restaurant would attract too much additional traffic and would create an attractive nuisance that would tempt children visiting the park to cross Old Centreville Road, thereby causing safety problems. She added that the buffer area proposed by the applicant was inadequate.

Chairman Murphy commented that perhaps more parental supervision was needed. Ms. Esmond agreed, but noted that some older children were dropped off at the park by parents and left to make their own decisions.

Regarding the safety issue, Commissioner Koch noted that the nearby McDonald's on the same side of the road as the park could attract children from the other side and reiterated that parents were responsible for their children. He pointed out that a small Burger King would be just as attractive as a large one, so the issue of size mentioned by some speakers did not relate to the safety concerns. He added that the reduced buffer area in the front was a direct result of the applicant's compliance with Supervisor Frey's request for additional right-of-way.

Mr. James Hart, 13947 Baton Rouge Court, Centreville, representing the West Fairfax Citizens Association (WFCCA), stated that the Association had voted to support the application. He explained that, had the application been a rezoning from R-1 to C-6, the WFCCA might have asked for more concessions from the applicant, but in light of the current C-6 zoning, WFCCA was satisfied with the conditions as presently proposed. He noted that a previous proposal for the subject property had been more objectionable than the current plans. He added that the applicant had agreed to limit the use of the proposed future building by excluding an adult video store, a by right use allowed in the C-6 District.

Mr. Hart responded to questions from Commissioners Hall and Palatiello regarding C-6 uses by right and WFCCA's land use review process, respectively.

In response to Commissioner Koch's question, Mr. Hart confirmed that Mr. Jim Ketcham was the Centeridge community representative on the WFCCA.

There being no further speakers, Chairman Murphy called upon Mr. du Von for a rebuttal statement.

Mr. du Von reiterated that the applicant had done what it was asked to do by staff and Supervisor Frey regarding right-of-way dedication. He pointed out that a crosswalk would be provided at the appropriate location.

In response to a question from Commissioner Hall, Mr. Russ explained that the dumpster doors referred to in Condition Number 14 were meant to indicate the doors to the dumpster enclosure, not the dumpsters themselves.

In response to a question from Chairman Murphy, Mr. Russ explained that the term "full cut-off shielded" in Condition Number 6 was meant to minimize off-site light spillage. He added that one type of light fixture often used to accomplish this was the so-called "shoebox" style.

There being no further comments or questions from the Commission or closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPLICATION SE-00-Y-001 BE APPROVED, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 29, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND A WAIVER OF THE BARRIER REQUIREMENT ALONG OLD CENTREVILLE ROAD AS DEPICTED ON THE SE PLAT WITH THE ELIMINATION OF THE SECOND BULLET UNDER DEVELOPMENT CONDITION NUMBER 9 AND THE ADDITION OF A CONDITION THAT WILL REQUIRE THAT THE SPECIAL EXCEPTION CONDITIONS BE DISPLAYED ON SITE IN A PROMINENT LOCATION.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

Commissioner Koch MOVED THAT THE COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT ALONG CENTREVILLE ROAD, ROUTE 28, TO THAT DEPICTED ON THE SE PLAT AS FURTHER MODIFIED BY THE PROPOSED DEVELOPMENT CONDITIONS.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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SEA-84-A-052 - TRUSTEES OF ST. STEPHEN'S UNITED
METHODIST CHURCH - Appl. under Sect. 3-204 of the Zoning
Ord. to amend SE-84-A-052 for a church & related facilities,
nursery school & child care center to permit a church w/a nursery
school which has an enrollment of 100 or more students daily on
property located at 9203 Braddock Rd. on approx. 8.02 ac. zoned
R-2. Tax Map 69-4((1))19A, 19C, 19D & 19E. BRADDOCK
DISTRICT. PUBLIC HEARING.

Ms. Lori Greenlief, with Jane Kelsey and Associates, reaffirmed the affidavit dated September 25, 1999. There were no disclosures by Commission members.

Ms. Susan Johnson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to a question from Commissioner Harsel, Ms. Johnson confirmed that the child care center originally approved had never been established. She added that the applicant had established the nursery school and was now seeking approval of the nursery school only, not the previously approved child care center.

Ms. Greenlief presented a brief history of the land use on the property. She spoke about the need for the facility and noted that the site was heavily landscaped. She stated that the applicant was requesting permission to redesign and expand the existing space which would result in an increase of 56 seats. Ms. Greenlief pointed out that, even with the increase, the floor area ratio (FAR) would still be within allowable limits. She noted that citizens in the area supported the application and that the applicant had agreed to a condition regarding posting of the development conditions.

Chairman Murphy called for speakers from the audience, but received no response.

Commissioner Harsel asked the church members present to stand and show their support.

Chairman Murphy noted that no rebuttal was necessary. There were no closing staff remarks.

Commissioner Harsel stated that the church had worked hard with staff and the community to address all concerns.

There being no further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Harsel for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-84-A-052, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS RECEIVED THIS EVENING DATED MARCH 27, 2000.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG ALL PROPERTY LINES TO THAT DEPICTED ON THE SE PLAT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A WAIVER OF THE REQUIREMENT FOR CONSTRUCTION OF FRONTAGE IMPROVEMENTS ALONG BRADDOCK ROAD.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Koch not present for the vote; Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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SE-99-P-042 - DALE SYKES - Appl. under Sect 3-104 of the Zoning Ord. to permit a plant nursery on property located at 9615 Saintsbury Dr. on approx. 2.48 ac. zoned R-1. Tax Map 48-1((1))95. PROVIDENCE DISTRICT. PUBLIC HEARING.

William Baskin, Esquire, with Baskin, Jackson and Hansbarger, reaffirmed the affidavit dated September 23, 1999. There were no disclosures by Commission members.

Ms. Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the application because the proposed use was too commercial in nature and therefore not compatible with abutting residential properties.

Mr. Baskin described the improvements planned and noted that a variable width conservation easement would be provided along the southern and western property boundaries. He pointed out the surrounding land uses and maintained that the proposed nursery was compatible with those uses. Mr. Baskin said that the applicant was willing

to limit the special exception to five years which would allow eventual residential development of the property in accordance with Comprehensive Plan recommendations. He added that noise from any additional traffic would be negligible in view of the proximity of I-66 and that there would be no outdoor lighting. He said that development of the site was minimal, given the size of the subject property and the fact that 40 percent would be retained in conservation easements and a portion for one single family residence. In conclusion, Mr. Baskin maintained that the proposed use would not adversely impact the residential neighborhood to the west and pointed out that landscape contracting was a permitted accessory use to a plant nursery.

In response to questions from Commissioner Smyth, Mr. Baskin stated that the home on the property had been rented to a tenant until October of 1999. He explained that Mr. Sykes had not been aware that a contractor's office was not a permitted use on the land or that a special exception was required to operate a plant nursery, leading to the zoning violations outlined in the staff report. He added that Mr. Sykes had been advised that the only way to rectify the situation was to change his operation so that the majority of the use would be for the plant nursery, with the landscaping business as an accessory, hence this application.

In reply to Commissioner Hall's question, Mr. Baskin confirmed that Mr. Sykes did not live on the subject property.

In response to questions from Commissioner Smyth, Mr. Dale Sykes, the applicant, stated that he had been in the landscaping business since 1991, after receiving his degree in horticulture from George Mason University. He acknowledged that he had run his business from his mother's house in Fairfax City for a short time when he was just starting out.

In response to questions from Commissioner Palatiello, Ms. Lewis stated that staff was not proposing development conditions at this time because of the strong recommendation of denial. She added that the applicant's revised Statement of Justification contained proposed conditions that the Commission could impose if it so chose. Mr. Baskin noted that those conditions could be converted to the normal format for development conditions.

In response to questions from Commissioner Byers, Mr. Baskin confirmed that 40 percent of the site would be set aside for conservation easement; that he did not know the percentage to be used for the house and lawn; that he did not know the percentage to be used for storage area; that there would be no pavement since the parking and driveway would be gravel; and that the area for plant propagation, 8850 square feet, was less than 8 percent of the site.

Commissioner Byers commented that less than 8 percent of the site for plant propagation was a low amount for a plant nursery. Mr. Baskin maintained that other areas of the site, such as storage of materials needed for plants, were also associated with the nursery use.

Commissioner Byers noted that there seemed to be no provision for propagating plants year round. Mr. Baskin said that Mr. Sykes sometimes used temporary greenhouses in winter.

Commissioner Smyth pointed out that one of the qualifications for a plant nursery was frontage on an arterial street. She added that the subject property did not have such frontage and that there was some question about the ownership of the outlet road that provided access to the subject property. She stated that, given the ownership problems, it would be impossible for the applicant to commit to making improvements to that road. Mr. Baskin conceded that these issues would have to be resolved. He added that the title work he had had done did not indicate any limitations on the use of the outlet road. He acknowledged that the road was in poor condition and needed improvement.

Commissioner Smyth noted that, during a recent visit to the site, she had discovered equipment and employee cars on an adjoining parcel owned by the Virginia Department of Transportation. She questioned whether expansion of the existing use could be accomplished if an adjoining parcel was needed for equipment and parking. Mr. Baskin stated that a large portion of the site was still in its natural state and some clearing would be required to provide adequate parking and alleviate crowded conditions on the property.

In response to questions from Commissioner Smyth, Ms. Lewis recited the list of equipment and miscellaneous items, including an inoperable Lincoln Continental automobile, found on site by zoning inspectors responding to complaints. Mr. Baskin stated that most of those items had been removed.

Chairman Murphy called the first listed speaker.

Dr. James Fahs, 2927 Sayre Road, Fairfax, spoke about problems that had arisen over the years since Mr. Sykes acquired the subject property. He said that the noise from heavy equipment and trucks on the unimproved road and from the pump used to extract water from the nearby stream for plant irrigation was disturbing. He added that there was an adverse visual impact as well. (A copy of Dr. Fahs' statement is in the date file.)

Commissioner Smyth explained that she had investigated the use of water from the stream and had received the following response from the Park Authority: "The nursery may use stream water for irrigation as long as it does not affect the ecology of the stream below the withdrawal point. This has been interpreted in one case to mean that withdrawals may only be made during high flows resulting from runoffs due to storm events."

In reply to Commissioner Smyth's inquiry, Dr. Fahs said the pump was used the most last summer during periods of drought.

Mr. John Trevey, 3003 Sayre Road, Fairfax, spoke in opposition to the application. He expressed his concern about increased traffic and the environmental impact of the proposal. He said that screening was inadequate.

Mr. Peter Young, 9712 Five Oaks Road, Fairfax, said that he wouldn't object to the application if Mr. Sykes cleaned up the site and followed the conditions listed in the Statement of Justification.

There being no further speakers, Chairman Murphy called upon Mr. Baskin for a rebuttal statement.

Mr. Baskin admitted that there had been problems in the past. He added, however, that Mr. Sykes was willing to work with his neighbors to resolve screening issues and that he only pumped approximately 200 gallons of water per day from the stream, which he felt was a minimal amount. He stated that the road problems would have to be addressed during the site plan review process.

In response to questions from Commissioner Smyth, Mr. Baskin said that it was his understanding that a state permit and attendant reporting requirements for pumping water from a stream were only necessary if a minimum of 10,000 gallons per day was being extracted. Ms. Lewis said it was her understanding that a permit was needed for more than 10,000 gallons, but that reporting to the Department of Environmental Quality was required regardless of the amount.

In response to a question from Chairman Murphy, Mr. Baskin said that some of the items discovered by the zoning inspectors had been left by tenants or dumped illegally by unknown parties.

In response to a question from Commissioner Harsel, Ms. Lewis said that zoning inspectors had not made a recent visit or followed up on the violations because Mr. Sykes had applied for a special exception.

Mr. Baskin commented that Mr. Sykes was still in the process of cleaning the site up and he was reluctant to spend substantial amounts of money without knowing whether the application would be approved.

When asked for final staff comment, Ms. Lewis reiterated that staff had not prepared a list of proposed development conditions because it was felt that this application was not approvable.

There being no further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on this case. (Verbatim excerpts are in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF SE-99-P-042.

Commissioner Byers seconded the motion which carried by a vote of 7-0-1 with Commissioner Harsel abstaining; Commissioners Alcorn, Downer, Kelso and Wilson absent from the meeting.

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The meeting was adjourned at 12:51 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins

Approved on: January 25, 2001

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission